

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**LOUIS VUITTON MALLETIER,  
S.A.S.,**

Plaintiff,

v.

**KEEP IT GYPSY, INC. and  
CARMEN GEOATES,**

Defendants.

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Civil Action No. **3:23-CV-2569-L**

**ORDER**


On August 8, 2024, The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 21) was entered, recommending that the court deny Defendants’ Motion to Dismiss (Doc. 16) Plaintiff’s claims and relief for alleged state and federal trademark violations, unjust enrichment, and unfair competition. Defendants moved to dismiss all claims by Plaintiff, contending that they are barred by laches. The magistrate judge, however, determined that application of Defendants’ defense of laches to dismiss all claims asserted by Plaintiff at the pleading stage under Federal Rule of Civil Procedure 12(b)(6) is not appropriate.

Defendants filed objections (Doc. 22) to the Report, but they do not actually object to the magistrate judge’s recommended denial of their Motion to Dismiss. Instead, Defendants indicate that they are filing objections out of an abundance of caution to ensure that their right to continue to pursue their defenses to Plaintiff’s claims moving forward is not lost. The court expresses no opinion regarding the future viability of any defenses that Defendants may assert in this action after entry of this order, except to note that the denial of their Motion to Dismiss will not prevent them from alleging defenses that are pleaded in accordance with applicable Local Rules and

Federal Rules of Civil Procedure. Accordingly, their objections (Doc. 22) to the Report are **overruled** to this extent.

Having considered Defendants' Motion to Dismiss, the parties' briefs, the pleadings, record in this case, and Report, and having conducted a de novo review of the portions of the Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies** Defendants' Motion to Dismiss (Doc. 16).

**It is so ordered** this 23rd day of August, 2024.

  
Sam A. Lindsay  
United States District Judge